

IN THE
SUPREME COURT OF THE UNITED STATES

October Term 1975

No. 75-1642

ARTHUR J. ABRAMS

Petitioner

vs.

THE COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF LOS ANGELES.

Respondent.

SUPPLEMENT TO
PETITIONER'S REPLY TO RESPONSE TO
PETITION FOR WRIT OF CERTIORARI

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Petitioner respectfully requests leave to file this Supplement for the purpose of calling to the Court's attention certain additional authorities that have become available since the filing of his most recent brief.

First. Particularly noteworthy is the decision of the Alaska Supreme Court in State v. Hammer (1976) 550 P.2d 820,

which analyzes and rejects the outmoded rationale of older cases denying compensation for business losses. Particularly noteworthy are:

(a) Hammer's rejection and sharp criticism of Mitchell v. United States (1925) 267 U.S. 349, as representative of an "older line of reasoning" (550 P.2d at 823), and an approach that "has several flaws" (550 P.2d at 824),

(b) Hammer's conclusion that today's reality calls for a different approach: "This court would poorly serve the law if it were to . . . blind itself to the realities of condemnation." (550 P.2d at 824),

(c) Hammer's impressive marshaling of the numerous scholarly commentaries denouncing the rule of non-compensability of business losses as archaic and unjust (550 P.2d at 825, fn. 16), and

(d) Hammer's persuasive conclusion (particularly pertinent in the context of Mr. Abrams' first question

presented for review herein, Petition for Certiorari, p. 4), that compensation is required because the law of Alaska - like the law of California - deems business to be property (550 P.2d at 826).

Second. Petitioner's Reply to Response to Petition for Writ of Certiorari cited the case of City of Lansing v. Wery at p. 4. That case has since appeared in the advance sheets and may be found at 242 N.W.2d 51.

Finally. An additional legal commentary has appeared, predictably sharply critical of the non-compensability rule. See Masterman and Tully, Compensation for Business Loss - Eminent Domain Proceedings, 20 Boston Bar Jour. 3 (1976).

Respectfully submitted,

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